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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs.)

11 BRIAN FIERRO,)

12 Defendant.)
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2:09-CR-00240-RLH-RJJ

ORDER

(Motion Pursuant to 28 U.S.C. § 2255 To
Vacate, Set Aside or Correct Sentence
By A Person in Federal Custody—#99)

14 Before the Court is Defendant's **Motion Pursuant to 28 U.S.C. §2255 To Vacate, Set**
15 **Aside or Correct Sentence By A Person in Federal Custody** (#99, filed December 4, 2012) and
16 the Court will exercise its authority under that section to refer this matter to the United States
17 Attorney for a response to the Motion.

18 IT IS THEREFORE ORDERED that Defendant's **Motion Pursuant to 28 U.S.C. §2255**
19 **To Vacate, Set Aside or Correct Sentence By A Person in Federal Custody** (#99) is hereby
20 REFERRED to the UNITED STATES ATTORNEY for a response within forty-five (45) days of
21 the entry this Order. Defendant will then have fifteen (15) days thereafter to file a reply to the
22 response of the United States Attorney, and the matter will be referred for decision.

23 DATED: December 5, 2012.

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26 **Roger L. Hunt**

United States District Judge